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Three Mass. state troopers arrested in overtime fraud probe



By [Shelley Murphy](#) and [Andrea Estes](#)

GLOBE STAFF JUNE 27, 2018

Three veteran Massachusetts State Police troopers were arrested Wednesday and accused of pocketing thousands of dollars for overtime they didn't work, marking the first charges in a broadening federal probe into allegations of rampant fraud at the state's largest law enforcement agency.

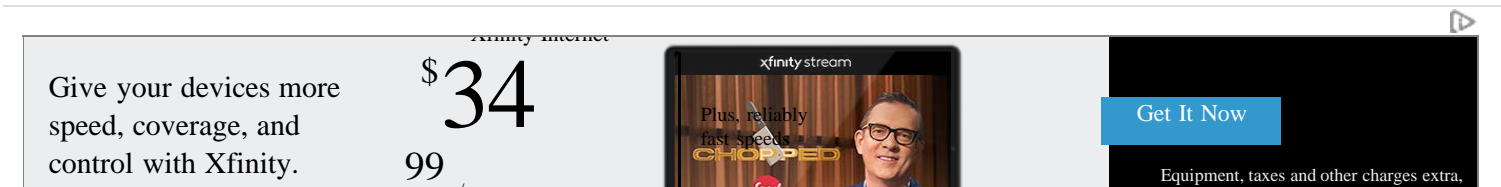
The three allegedly bilked taxpayers out of tens of thousands of dollars in 2016 alone, submitting bogus traffic citations, filing for no-show shifts, and taking steps to hide their crimes. One is accused of putting in for overtime on the same day he was on bereavement leave.

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The federal embezzlement charges followed months of widespread scrutiny of Troop E, which patrolled the Massachusetts Turnpike until it was recently disbanded.

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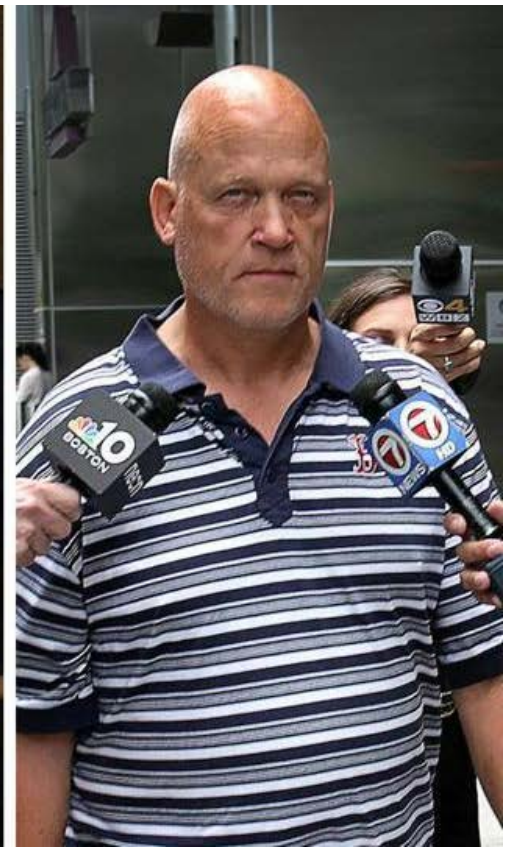
“Let me be clear that today’s charges are the beginning and not the end of this federal investigation,” said US Attorney Andrew E. Lelling, just hours after FBI agents arrested two retired troopers and a current trooper at their homes.

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Former lieutenant David W. Wilson, 57, of Charlton, former trooper Paul E. Cesan, 50, of Southwick, and Trooper Gary S. Herman, 45, of Chester, were led in and out of the federal courtroom Wednesday afternoon in handcuffs.



BARRY CHIN/GLOBE STAFF

From left to right: Suspended trooper Gary Herman, 45, of Chester; retired trooper Paul Cesan, 50, of Southwick; and retired trooper David W. Wilson, 57, of Charlton.

They were released under certain conditions: They cannot have firearms and cannot contact anyone who worked in Troop E between 2016 and 2018. If convicted, they face up to 10 years in prison and a \$250,000 fine. They would also be likely to lose their pensions.

None of the men or their lawyers spoke to reporters Wednesday. They are scheduled to appear in court again on July 10. State Police had previously placed Herman on paid leave during their own internal investigation. The US attorney's office, which convened a grand jury several weeks ago, is one of three agencies looking into State Police misconduct.

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Massachusetts Attorney General Maura Healey opened a criminal investigation after an internal police probe turned up evidence of overtime abuse.

Healey's office is continuing its investigation, a spokeswoman said, even as the federal probe continues. She declined to comment further.

Though news of the federal, state, and internal investigations has long been public, the arrests of three troopers at home early Wednesday caught many in the agency off guard, according to a trooper with direct knowledge of the administration's reaction.

State Police spokesman David Procopio wouldn't say when Colonel Kerry Gilpin first learned of the arrests, saying only that Gilpin has been in contact with federal authorities and is providing details of the agency's own overtime audits.

Procopio declined to comment further.

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Dana Pullman, president of the union that represents rank-and-file troopers, said the group has "trust in the judicial system and that our members will be treated fairly and afforded any and all rights as this process unfolds."

The charges announced Wednesday cover only alleged crimes in 2016. "We plan on looking back as far as we can, a number of years," Lelling said, suggesting it could be a systemic problem in the agency.

"We'll see where it goes."

He said his office is "committed to supporting" state and local law enforcement and said the vast majority of state troopers have a "well-deserved reputation for professionalism."

But the three defendants, he said, abused the public's trust.

Wilson, Cesan, and Herman allegedly altered citations to make it look like they issued tickets during the

phony overtime shifts, rather than their regular shifts. Sometimes, Lelling added, the men submitted bogus tickets that were never actually issued to motorists.

FBI agents examined tickets, payroll and overtime records, and more. Records from police radios were a key part of the paper trail, according to the criminal complaints. Whenever a trooper starts his cruiser, the radio in it automatically turns on and sends a signal to a central State Police receiver, an FBI agent wrote in the affidavits.

The affidavits cited a number of instances in which the cruiser radio records conflicted with what the troopers had claimed for overtime, suggesting their cars were parked silently somewhere when the troopers claimed they were driving them, patrolling the highways.

In 2016, Herman received \$227,826 in compensation, including \$63,053 in overtime — \$12,468 for hours he didn't work, an FBI affidavit says.

Herman allegedly was on bereavement leave on June 17, 2016, but put in for a paid detail and an overtime shift on the same day.

Wilson joined the department in 1986, was promoted to sergeant in 2006, and to lieutenant in 2008. His 2016 W-2 shows he earned \$230,123, including \$68,300 in overtime, according to the affidavit. He is accused of stealing \$12,450 in overtime pay.

Meanwhile, Cesan received \$163,533 in pay, of which \$50,866 was for overtime, the affidavit said. He allegedly took home about \$29,000 in unworked overtime.

The Massachusetts Department of Transportation had long funded Troop E patrols along the turnpike. A 2010 agreement with State Police granted MassDOT wide authority to review or audit any documents related to those payments. A MassDOT spokeswoman said the agency never conducted a formal audit. Each defendant is charged with a sole count of embezzlement from an agency that receives federal funds.

Hank Shaw, FBI special agent in charge of the Boston office, said the steps the troopers took to conceal the scheme were as "equally disturbing" as the fraud itself. "We believe they broke the law for their own personal gain," Shaw said. "There is no excuse for this type of behavior. The Massachusetts taxpayers deserve honesty from those who serve them."



DAVID L RYAN/GLOBE STAFF

US Attorney Andrew E. Lelling (left) and FBI special agent in charge Hank Shaw.

Shaw suggested the troopers, by not working the overtime shifts, may have let unlicensed drivers and aggressive motorists “sneak through our state” and imperil public safety.

Dozens of current and former Troop E members have been linked in recent months to the alleged pay scandal, resulting in a wide-scale audit, a series of internal State Police investigations, the attorney general’s probe, and the disbanding of the entire unit.

Records show some troopers reported earning five- and six-figure overtime payouts.

Brendan Moss, a spokesman for Governor Charlie Baker, said in a statement that the “Baker-Polito administration and Colonel Gilpin are implementing a series of policies to reform the State Police, and Governor Baker believes any member of the department who is found to have stolen public funds must be held accountable to the fullest extent of the law.”

Lelling said his office’s investigation is separate from the ongoing state probes.

“It’s important to us that it be an independent investigation,” he said. “I think in investigations like this, one of the things that you have to think about is public confidence in the result,” he said.

Former State Police major Dennis Galvin, who is now president of the Massachusetts Association for Professional Law Enforcement, said the scope of the investigation points to “systemic corruption.”

“In the past, corruption in the State Police was always isolated to individuals,” said Galvin, who retired

from the force in 2003.

“What concerns me about these allegations, if they’re true, is that what we’re seeing now is systemic corruption. And that’s very dangerous.”

He said the scandals roiling the 2,200-member agency are damaging morale.

“The average rank-and-file trooper probably feels like he or she doesn’t know who they can trust,” he said. “And it takes a long time and a lot of trust to restore that faith and confidence again.”

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